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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/676,237 09/29/00 FRISCH

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EXAMINER

FLEMING, F

ART UNIT

PAPER NUMBER

3618  
DATE MAILED:

01/04/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/676,237

Applicant(s)

FRISCH, RALPH

Examiner

Faye Fleming

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/676,237, filed on September 29, 2000.

### ***Specification***

2. The abstract of the disclosure is objected to because the phrase "in particular" is indefinite. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "in particular" renders the claim indefinite because the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.
5. Claims 5 and 6 recites the limitation "said steering wheel" and "said gas bag module". There is insufficient antecedent basis for this limitation in the claim.
6. In claim 1, the recitation that a gas bag module to a steering wheel is unclear because such a recitation is inconsistent with the preamble. The applicant should clarify what subject matter the claim is drawn to, i.e. either the sub-combination of a fastener alone or the combination of a fastener and a gas bag module in a steering

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column. The examiner is considering the claim to be a combination claim. Applicant should amend the claim(s) accordingly.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Montgomery, et al ('785). Montgomery, et al discloses a fastener (205) comprising two fastening arms (208, 209) and a fastening part (111) wherein said fastening arms entering into a snap action connection with said fastener part and clasping said fastener part in a connected condition. The fastener arms comprise hooks (218, 238) having contact surface areas (220, 240). The fastener part and said fastening arms comprise ramps corresponding to each other. The ramps of said fastener part include an angle and said hooks slide back towards apex of said angle should the connection fail to be made, as shown in Figures 5-7.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery, et al ('785) in view of Johnson ('329). Montgomery, et al discloses the claimed invention except for the fastener part comprising a concave contact surface area into which said contact surface areas of said hooks engage in said connected condition. Johnson teaches a fastener having a fastener part (100) comprising a concave contact surface area (106, 108) of said contact surface areas of said hooks engage in said connected condition. Based on the teachings of Johnson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the fastener of Montgomery comprise a concave contact surface area to provide a secure connection.

11. Claims 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery, et al ('785) in view of Landis, et al (897). Montgomery, et al discloses the claimed invention except for an assembly comprising a steering wheel and a gas bag module wherein said fastening arms are connected to the gas bag module and said fastener part to the steering wheel. Landis, et al teaches a snap lock pin inflatable restraint module mounting mechanism comprising a fastener, as shown in Figure 1. Based on the teachings of Landis, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the fastener of Montgomery to assembly a gas module to a steering wheel to provide easier installation.

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Szigethy, Sun, Hagen et al, Orme and Tomic et al references each disclose some features in common with the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Faye Fleming  
Examiner  
Art Unit 3618

*Fy/F*  
*12/29/00*

fmf  
December 29, 2000

*Paul N. Dickson*  
PAUL N. DICKSON  
PRIMARY EXAMINER

*11/2/01*